

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7969

PHILLIP SMALL,

Plaintiff - Appellant,

versus

EDGAR TERRY, Manager at Correctional Food
Service,

Defendant - Appellee.

Appeal from the United States District Court for the Western
District of North Carolina, at Asheville. Graham C. Mullen, Chief
District Judge. (CA-04-240-1)

Submitted: April 20, 2005

Decided: April 29, 2005

Before TRAXLER, GREGORY, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Phillip Small, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Phillip Small appeals the district court's order dismissing his 42 U.S.C. § 1983 (2000) complaint as frivolous. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See Small v. Terry, No. CA-04-240-1 (W.D.N.C. Dec. 1, 2004). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED